

1 LEVI & KORSINSKY, LLP
2 ADAM M. APTON (SBN 316506)
3 ADAM C. MCCALL (SBN 302130)
4 388 Market Street, Suite 1300
5 San Francisco, CA 94111
6 Telephone: (415) 373-1671
7 Facsimile: (212) 363-7171

8 Attorneys for Lead Plaintiff
9 GLEN LITTLETON and the Class

10 COOLEY LLP
11 STEPHEN C. NEAL (170085) (nealsc@cooley.com)
12 PATRICK E. GIBBS (183174) (pgibbs@cooley.com)
13 3175 Hanover Street
14 Palo Alto, California 94304-1130
15 Telephone: +1 650 843 5000
16 Facsimile: +1 650 849 7400

17 Attorneys for Defendants
18 TESLA, INC., ELON MUSK, BRAD W. BUSS,
19 ROBYN DENHOLM, IRA EHRENPREIS,
20 ANTONIO J. GRACIAS, JAMES MURDOCH,
21 KIMBAL MUSK, and LINDA JOHNSON RICE

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 IN RE TESLA, INC. SECURITIES
26 LITIGATION

Case No. 3:18-cv-04865-EMC

**STIPULATION AND [PROPOSED] ORDER
FOR ISSUANCE OF LETTERS ROGATORY**

27 WHEREAS, by Order dated November 27, 2018, the Court appointed Glen Littleton
28 (“Littleton” or “Plaintiff”) as lead plaintiff in this action (Dkt. No. 152).

WHEREAS, on January 16, 2019, Littleton filed a Consolidated Class Action Complaint
against Elon Musk, Tesla, Inc., Brad W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias,
James Murdoch, Kimbal Musk, and Linda Johnson Rice (Dkt. No. 184).

1 WHEREAS, Defendants filed a Motion to Dismiss the Consolidated Class Action
2 Complaint on November 22, 2019 (Dkt. No. 227).

3 WHEREAS, the Court Denied Defendants' Motion to Dismiss on April 15, 2020 (Dkt. No.
4 251).

5 WHEREAS, on November 25, 2020, the Court entered an Order granting the parties'
6 stipulation for Class Certification (Dkt. No. 298).

7 WHEREAS, the factual allegations of the Consolidated Class Action Complaint include
8 allegations regarding a meeting between certain Defendants and representatives of Saudi Arabia's
9 sovereign wealth fund, the Public Investment Fund.

10 WHEREAS, Plaintiff now seeks testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,
11 and Naif Al Mogren of the Public Investment Fund.

12 WHEREAS, Plaintiff believes that it cannot serve a third-party subpoena on the Public
13 Investment Fund because it has no U.S. offices of subsidiaries.

14 WHEREAS, Plaintiff requested that Defendants consent to Plaintiff's motion for the
15 issuance of letters rogatory, and Defendants consented;

16 WHEREAS, on January 21, 2020, the Court ordered that, if Defendants consent to the
17 issuance of letters rogatory, the parties shall submit a stipulation to the issuance of letters rogatory;

18 WHEREAS, Plaintiff respectfully requests, and Defendants do not oppose, that this Court
19 issue pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure 26(b)(1) and 28(b) the
20 accompanying letters rogatory to obtain testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa,
21 and Nai Al Mogren of the Kindgom of the Public Investment Fund.

22 WHEREAS, Plaintiff believes that its requests for evidence are narrowly tailored and will
23 not impose an undue burden on the Public Investment fund or H.E. Yasir Al-Rumayyan, Saad Al
24 Jarboa, or Nai Al Mogren.

25 WHEREAS, this Court has authority to issue the letters rogatory.

26 WHEREAS, Plaintiff and Defendants agree to the terms and conditions set forth in this
27 stipulation.
28

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by counsel for the parties listed below, subject to the approval of the Court, that:

1. The accompanying letters rogatory to obtain testimony from H.E. Yasir Al-Rumayyan, Saad Al Jarboa, and Nai Al Mogren of the Kindgom of the Public Investment Fund should be issued by the Court pursuant to 28 U.S.C. § 1781 and Federal Rules of Civil Procedure 26(b)(1) and 28(b).

Dated: January 28, 2021

LEVI & KORSINSKY, LLP

By: /s/ Adam M. Apton
Adam M. Apton

Adam M. Apton (316506)
Adam C. Mccall (302130)
388 Market Street, Suite 1300
San Francisco, CA 94111
Telephone: (415) 373-1671
Facsimile: (212) 363-7171
Email: aapton@zlk.com
Email: amccall@zlk.com

Nicholas I. Porritt (*pro hac vice*)
Alexander A. Krot III (*pro hac vice*)
1101 30th Street NW, Suite 115
Washington, D.C. 20007
Telephone: (202) 524-4290
Facsimile: (212) 363-7171
Email: nporritt@zlk.com
Email: akrot@zlk.com

Joseph Levi (*pro hac vice*)
Eduard Korsinsky (*pro hac vice*)
55 Broadway, 10th Floor
New York, New York 10006
Tel: (212) 363-7500
Fax: (212) 363-7171
Email: jlevi@zlk.com
Email: ek@zlk.com

*Attorneys for Lead Plaintiff Glen Littleton and
Lead Counsel for the Class*

1 Dated: January 28, 2021

COOLEY LLP

2 By: /s/ Patrick E. Gibbs
3 Patrick E. Gibbs

4 Stephen C. Neal (170085)
5 Patrick E. Gibbs (183174)
6 Samantha A. Kirby (307917)
7 3175 Hanover Street
8 Palo Alto, CA 94304-1130
9 Telephone: (650) 843-5000
10 Facsimile: (650) 849-7400
11 Email: nealsc@cooley.com
12 pgibbs@cooley.com
13 skirby@cooley.com

14 Sarah M. Lightdale (*pro hac vice*)
15 Brian M. French (*pro hac vice*)
16 Bingxin Wu (*pro hac vice*)
17 55 Hudson Yards
18 New York, NY 10001-2157
19 Telephone: (212) 479-6000
20 Facsimile: (212) 479-6275
21 Email: slightdale@cooley.com
22 bfrench@cooley.com
23 bwu@cooley.com

24 *Attorneys for Defendants Tesla, Inc., Elon Musk,*
25 *Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,*
26 *Antonio J. Gracias, James Murdoch, Kimbal*
27 *Musk, and Linda Johnson Rice*

28 Pursuant to Civil Local Rule No. 5-1(i)(3), all signatories concur in filing this Stipulation.

23 Dated: January 28, 2021

LEVI & KORSINSKY, LLP

24 By: /s/ Adam M. Apton
25 Adam M. Apton

1 **SO ORDERED.**

2

3

4 Dated: _____

HON. KANDIS A. WESTMORE
United States Magistrate Judge